

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/28/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV 03-00385SOM-LEK

CASE NAME: Wayne Berry vs. HI Express Service, Inc., et al.

ATTYS FOR PLA: Timothy Hogan
Wesley Ichida

ATTYS FOR DEFT: Damian Capozzola
Michael Baumann
Lyle Hosoda
Raina Mead

INTERPRETER:

JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 2/28/2006

TIME: 9:15 - 9:20
9:20 - 12:00
1:20 - 5:15

COURT ACTION: EP: Jury Trial - 1st Day -

Discussion held in Chambers.

Parties withdraw their proposed jury instructions and agree that the Court may use its standard preliminary jury instructions and its own statement of the case.

9:20 a.m. - Jurors present.

Court preliminarily instructs the jurors.

Opening Statements by the parties.

Joint Stipulation Regarding Admissible Exhibits; and Order filed.

(10, 13 - 15, 17, 20, 22, 24, 26 - 29, 34, 35, 38 - 46, 50, 51, 58, 59, 63, 66, 71, 76, 78, 84, 85, 87, 101, 105, 110, 115, 116, 201 - 207, 211 and 218)

Discussion held without the Jury re: Defendant PCT's Supplemental Trial Brief.

Jurors present.

Plaintiff's Witness: Wayne Berry CST.

Plaintiff's Admitted Exhibits: 1, 62, 92, 80, 96, 97, 98 (provisionally admitted), 99, 100, 64, 33 (redacted - 5 page document), 68, and 21.

Jurors excused.

Discussion held re: exhibits.

Further Jury Trial continued to 3/1/06 @ 9:00 a.m. SOM.

Submitted by: Toni Fujinaga, Courtroom Manager.